

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA, SOUTHERN DIVISION**

**NANCY MARTIN and
MARY BETH BRACKIN,**

PLAINTIFFS,

vs.

**CITY OF DOTHAN; JUDGE ROSE
EVANS-GORDON, in her
Individual capacity;**

DEFENDANTS.

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) **CASE NO: 1:05CV1172-F**
) **JURY DEMAND**
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**MOTION TO FURTHER AMEND THE COMPLAINT
SECOND AMENDMENT**

The Plaintiff moves this Court under the liberal rules of amendment to permit them to further amend their Complaint as set out in their Proposed Amendment attached as Exhibit "A" Generally, in the absence of any apparent or declared reason- such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.- the leave sought should, as the rules require, be "freely given. *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230, (1962).

The Defendants here will not be unduly burden by the proposed amendment. The Defendants have not responded to the prior complaints other than to move for dismissal of its parts. There has been no meeting of the parties

for a Joint Report of the Parties document. Further, is mentioned in the Plaintiff's First Amendment, the parties were to approach the Court to permit amendment once Mrs. Brackins receives her Right to Sue Notice from the U.S. Department of Justice. This Notice has now been received, see attached Exhibit "B". Finally, the Plaintiff's seek permission to amend because the U.S. Supreme Court in *Burlington Northern & Santa Fe Railroad v White* Docket No. 05-259 (Decided June 22, 2006) has just released its opinion which greatly expands the types of employer conduct which is retaliatory under Title VII which should apply with equal force in 1983 actions which in many instances parrot Title VII relief.

Respectfully submitted this 24th day of June 2006

s/Ishmael Jaffree
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June 2006 electronically served a copy of the foregoing Motion To Further Amend with the Clerk using the CM/ECF system which will send notification to counsel who have entered an appearance on behalf of the Defendants.

s/ Ishmael Jaffree
Ishmael Jaffree

